

Health Care Powers of Attorney and Advance Medical Directives in Virginia

A Health Care Power of Attorney and Advance Medical Directive are important documents to have so that your health care providers will know your wishes if you are unable to give directions regarding your medical care. A Health Care Power of Attorney is a general health care decision document in which you name an individual that you trust to make medical decisions in the event of your incapacity. Incapacity can happen at any time, without warning, and it is important to be prepared. You may become incapacitated because of a car accident causing you to have emergency surgery and be sedated. You could get dementia or Alzheimer's and be unable to communicate your wishes regarding medical care.

In any of these situations of incapacity, a Health Care Power of Attorney is important so you can express your wishes about medical care. It is important to name an individual you trust, called your agent, and an alternate individual you trust in case your primary agent is unavailable. For example, you may want to name your spouse as your primary agent on your Health Care Power of Attorney. This is very common. But, what if your spouse is in the car accident with you, and is unable to direct your care at that time? An alternate agent is always a good idea so that he/she can step in and make decisions when your primary agent cannot.

An Advance Medical Directive (known as a Living Will in other states) is a document where you can express your wishes about medical care if you were to be in an end of life situation, and unable to communicate. In other words, what types of treatment would you want if you were to be in a persistent vegetative state or diagnosed with a terminal illness causing your physical and mental capacities to be significantly impaired? An Advance Medical Directive allows you to direct your agent to inform your health care providers of the amounts and types of treatment you desire in these circumstances.

While it can be very difficult to think about losing capacity to make decisions or becoming very ill, if you take the time to consider these circumstances, and the types of treatments you would want while you can communicate your decisions, it will make it much easier for your agent to know your wishes and act accordingly if needed. It is always a good idea to communicate your wishes to your agent directly, and to inform him/her that you have named him/her as your agent. If your agent is unable to have this conversation with you, then it is important to write your wishes in a letter to your agent, and give it to him/her to read in the event it becomes necessary for him/her to make decisions on your behalf.

Keep in mind that an Advance Medical Directive is NOT a Do Not Resuscitate (DNR) Order. A DNR is a very specific medical order that can only be issued by a doctor under specific circumstances. If you are facing an end of life illness, then you will want to discuss a DNR with your doctor if that is your wish. You will also want to tell your health care agent your decision.

Always give a copy of your Health Care Power of Attorney and Advance Medical Directive to your agent so that he/she will be ready to act. It is also a good idea to keep a copy of this document in the glove compartment of your vehicle so you will have it with you if you are traveling. You could also pack it in your carry on suitcase if you are traveling via air. If you would like assistance in creating a Health Care Power of Attorney and Advance Medical Directive, please contact Fort Lee Client Services at 804-765-1500.